

IN RE: PETITION FOR VARIANCE
NE/Corner Berrymans Lane and
Deer Park Road
(1141 Berrymans Lane)
4th Election District
3rd Councilmanic District

Joel M. Simonds, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-77-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1141 Berrymans Lane, located in the Reisterstown area of northwestern Baltimore County. The Petition was filed by the owners of the property, Joel M. and Xandra L. Simonds. The Petitioners seek relief from Sections 1A06.2.C.4 and 409.8.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit parking to be located in the front yard in lieu of the required rear yard and crusher run parking surface in lieu of the required durable-dustless surface. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petition were Joel and Xandra Simonds, property owners, and Lloyd Reynolds. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 2.8163 acres, zoned R.C.C., and is located at the intersection of Berrymans Lane and Deer Park Road. The Petitioners are desirous of utilizing the subject site as a nursery and propose constructing a one-story nursery/retail building with associated parking. Testimony indicated that due to the locations of the required septic field and the entrance to the site from Berrymans Lane, the proposed building

ORDER RECEIVED FOR FILING
Date 10/13/94
By [Signature]

MICROFILMED

and associated parking had to be situated on the property in the locations shown on Petitioner's Exhibit 1. As a result, the requested variances are necessary in order to proceed as proposed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the pub-

ORDER RECEIVED FOR FILING

Date

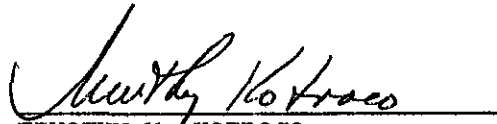
By

lic health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of October, 1994 that the Petition for Variance seeking relief from Sections 1A06.2.C.4 and 409.8.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit parking to be located in the front yard in lieu of the required rear yard and crusher run parking surface in lieu of the required durable-dustless surface, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any occupancy permits, the Petitioners shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County and comply with any planting requirements which may be imposed.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 10/13/94
By [Signature]

RECORDED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 13, 1994

Mr. & Mrs. Joel M. Simonds
616 Church Road
Reisterstown, Maryland 21136

RE: PETITION FOR VARIANCE
NE/Corner Berrymans Lane and Deer Park Road
(1141 Berrymans Lane)
4th Election District - 3rd Councilmanic District
Joel M. Simonds, et ux - Petitioners
Case No. 95-77-A

Dear Mr. & Mrs. Simonds:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Lloyd W. Reynolds
12800 Gores Mill Road, Reisterstown, Md. 21136

People's Counsel

File



MAILED 11/13/94



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

95-77-A
1141 Berrymans Lane
Reisterstown 4th Elec. Dist.

which is presently zoned R.C.C.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A06.2.C.4, 409.8.A

To allow parking to be located in the front yard and crusher run parking surface in lieu of the required side and rear yard and durable-dustless surface, respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

(SEE ENCLOSED PAGE)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name) N/A

Signature

Address

City State Zipcode

Attorney for Petitioner.

(Type or Print Name) N/A

Signature

Address Phone No.

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s).

JOEL M. SIMONDS
(Type or Print Name)

Signature

XANDRA L. SIMONDS
(Type or Print Name)

Signature

616 CHURCH RD. 833-6821
Address Phone No.

REISTERSTOWN MD. 21136
City State Zipcode

Name, Address and phone number of representative to be contacted

N/A #78
Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE 8-24-94

MICROFILMED



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on Recycled Paper

ORDER RECEIVED FOR FILING

Date

By

Petition for Variance
Simonds Property
1141 Berrymans Lane
Reisterstown, Md 21136

95-77-A

REASONS FOR VARIANCE:

1. The shape, configuration, topography and underlying soil conditions of the lot combined with the intended use make it highly impractical to locate the required parking entirely to the side and/or rear of the building:
 - a. The only portion of the lot that will perc is that portion where the septic reserve is located. Therefore to maintain gravity flow to the Septic area the building can not be located further to the right (west) than it is. To move the building further to the left (east) than it is would force the building further into the narrowest part of the lot thereby constricting the business, minimizing the ability to adequately landscape and screen; and greatly reducing the prime visual impact it will make as now sited.
 - b. The entrance cannot be located anywhere else, because of sight distance restrictions and close proximity to the intersection of Berrymans Lane and Deer Park Road. The entrance is now proposed at a slight crest in Berrymans Lane affording a very safe and sensible point of ingress and egress.
 - c. Combining the logic of (a) and (b) above, the location of the entrance must be directly in front of the building which then forces the location of the building toward the rear portion of the lot.
 - d. There is not adequate space on the left side of building to provide for all the required parking there, thereby necessitating some be provided for on the right. The area immediately to the right of the building is the outside sales area. It must be there for business operational and security considerations. The only area remaining for parking is as shown unless considerably more of the lot be disturbed.
 - e. The owners of the property have lived in the area over 50 years, in the neighborhood for 28 years, own the farm opposite the site; and know and love the area. Parking as proposed at this site is in character with the neighborhood (both business and residences) and will not effect other R.C.C. zoned properties nearby since there are none.

#78

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ZONING DESCRIPTION

95-77-A

Beginning at a point at the intersection of the centerline of Berryman's Lane, which is a proposed future seventy feet wide right-of-way, and the centerline of Deer Park Road, which is also a proposed future seventy feet wide right-of-way. Thence the following courses and distances:

by a curve to the left with a radius of 293.82 ft., an arc length of 132.53 ft., and a chord of N. 81°00'27" E. 131.41 ft.; thence N. 68°05'10" E. 171.27 ft.; thence by a curve to the left with a radius of 5729.58 ft., an arc length of 333.06 ft., and a chord of N. 66°25'15" E. 333.01 ft.; thence N. 64°45'20" E. 49.61 ft., N. 63°57'47" E. 89.50 ft., S. 26°02'13" E. 85.00 ft., S. 44°49'43" W. 567.02 ft., N. 53°24'40" W. 315.00 ft., and N. 82°29'40" W. 105.26 ft. to the place of beginning. Being "Tract A" as shown on a site development plan entitled "Simonds Property" as recorded in the Baltimore County Greenway Book SM 1/20, containing 2.8163 acres. Also known as 1141 Berryman's Lane and located in the 4th Election District.

78



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Robert L. Green II

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Town, Maryland

95-77-A

District 4th

Date of Posting 9/17/94

Posted for: Variance

Petitioner: Joel & Alexandra Simmonds

Location of property: 1141 Berryman Lane, NEKor Deer Park Rd

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by M. Healy Date of return: 9/23/94
Signature

Number of Signs: 1

UNRECORDED

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

9/15, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/15, 1994.

THE JEFFERSONIAN,

A. H. ...

PUBLISHED

NOTICE OF HEARING
The Board of Zoning Appeals of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:
98-77-A (Item 78)
1141 Berryman Lane
NEO Berryman Lane and
Dear Park Road
4th Election District
3rd Councilmanic
District

Petitioner(s):
Joel M. Simonds and
Xandra L. Simonds
HEARING: MONDAY
OCTOBER 3, 1994 at
11:00 a.m. in Rm. 118, Old
Courthouse.

Variance: to allow parking to be located in the front yard and crusher-run parking surface in lieu of the required side and rear yard and durable dustless surface, respectively.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are handicapped accessible for special accommodations. Please Call 987-3353.

(2) For information concerning the File and/or Hearing, Please Call 987-3391.

9/199 September 15

RECEIVED



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-77-A

Account: R-001-6150

Item Number 78

Date 8-24-94

Owner: Joel M. Simonds

Site: 1141 Berryman's Lane

# 020	Commercial Variance Filing Fee	\$ 250. ⁰⁰
# 080	Sign & Posting	35. ⁰⁰

Total — \$ 285.⁰⁰

MICROFILMED

02A0280236M1 (HRC)

BA 1011132AND8-24-94

\$285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 78

Petitioner: Same

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Joel M. Simonds

ADDRESS: 616 Church Rd.

Reisterstown, Md. 21136

PHONE NUMBER: 833-6821

AJ:ggs

MICROFILMED
(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY

September 15, 1994 Issue - Jeffersonian

Please forward billing to:

Joel M. Simonds
616 Church Road
Reisterstown, Maryland 21136
833-6821

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-77-A (Item 78)

1141 Berrymans Lane

NEC Berrymans Lane and Deer Park Road

4th Election District - 3rd Councilmanic

Petitioner(s): Joel M. Simonds and Xandra L. Simonds

HEARING: MONDAY, OCTOBER 3, 1994 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to allow parking to be located in the front yard and crusher run parking surface in lieu of the required side and rear yard and durable-dustless surface, respectively.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



COPY

(410) 887-3353

111 West Chesapeake Avenue
Towson, MD 21204

September 7 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
OR
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-77-A (Item 78)
1141 Berrymans Lane
NEC Berrymans Lane and Deer Park Road
4th Election District - 3rd Councilmanic
Petitioner(s): Joel M. Simonds and Xandra L. Simonds
HEARING: MONDAY, OCTOBER 3, 1994 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to allow parking to be located in the front yard and crusher run parking surface in lieu of the required side and rear yard and durable-dustless surface, respectively.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Joel and Xandra Simonds

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEP 19 1994

Joel and Xandra Simonds
616 Church Road
Reisterstown, Maryland 21136

RE: Item No. 78, Case No. 95-77-A
Petitioner: Joel and Xandra Simonds

Dear Mr. & Mrs. Simonds:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 24, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:ggg



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on Recycled Paper

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: Sept. 6

DATE: Sept. 15, 1994

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 73
74
75
76
78
79
80
81

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: September 12, 1994
Zoning Administration and Development Management

FROM: *[Signature]* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for September 12, 1994
Item No. 78

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the previous Landscape Manual review comments.

RWB:sw

RECEIVED

SEP 12 1994

ZADM

[Faint handwritten note]

Baltimore County Government
Fire Department



9/7/94
TOJW
f

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/01/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 75 AND 78.

RECEIVED
SEP 2 1994

ZADM

MICROFILMED

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 687-4081, MS-1102F

cc: File



Printed on Recycled Paper

95-77A
10/3

BALTIMORE COUNTY, MARYLAND

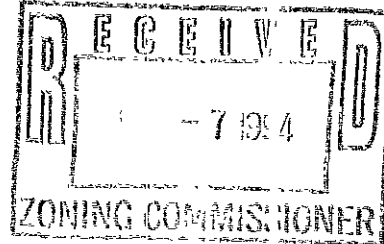
INTER-OFFICE CORRESPONDENCE

To: Arnold Jablon, Director
Zoning Administration and
Development Management

From: Pat Keller, Director
Office of Planning & Zoning

Date: September 1, 1994

Subject: 1141 Berrymans Lane



INFORMATION:

Item No: 78
Petitioner: Joel M. Simonds
Property Size: _____
Zoning: R.C.C.
Requested Action: _____
Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and analysis conducted, staff does not oppose the applicant's request provided the following conditions are met:

- Architectural elevations for the proposed building should be submitted to the Director of the Office of Planning and Zoning for approval prior to the issuance of any building permits.
- A landscape plan should be submitted for approval prior to final consideration of this matter.

Prepared by: Jeffrey W. L.

Division Chief: Carol L. Keller

JL
ZAC.78/PZONE/ZAC1

RECEIVED



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary

Hal Kassoff
Administrator

9-2-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +78 (JJS)

95-77

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

RE: PETITION FOR VARIANCE * BEFORE THE
1141 Berrymans Lane, NEC Berrymans *
Lane and Deer Park Road, 4th * ZONING COMMISSIONER
Election Dist., 3rd Councilmanic * OF BALTIMORE COUNTY
Joel M. and Xandra L. Simonds *
Petitioners * CASE NO. 95-77-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to Joel M. and Xandra L. Simonds, 616 Church Road, Reisterstown, MD 21136, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

Simonds Property
1141 Berrymans Lane
Reisterstown, Md. 21136


95-77-A

78

Aug. 22, 1994

I hereby certify that I personally dug test pits on the subject property on October 13, 1989 and recorded the data shown on the site plan as Test Pits # 1 thru # 5 and # 9. The test pits were dug with our own Model # 911 Backhoe mounted on a Bobcat Model # 843 Skid Loader. Refusal depths indicated are absolute refusals at bedrock (not boulders). Bed rock at the surface is clearly visible at the edge of the pavement at the intersection of Berrymans Lane and Deer Park Road. It is further noted that on our property on the north side of Berrymans Lane directly opposite these test pits the bed rock is 12-18 inches below the surface.

Joel M. Simonds, owner


Joel M. Simonds

RECEIVED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Xandra L. Simonds

616 Church Rd.

Reisterstown, MD. 21136

Joel M. Simonds

"

Woodw. TREYWOODS

13800 GOWEN MILL ROAD 21136



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on Recycled Paper

MICROFILMED

95-77-A

DEER PARK ROAD

R.C. 4

R.C.C.

BERRYMAN'S

BL-CR

BM-CR

BM

BM-CR

LANE

PRIV

DEER

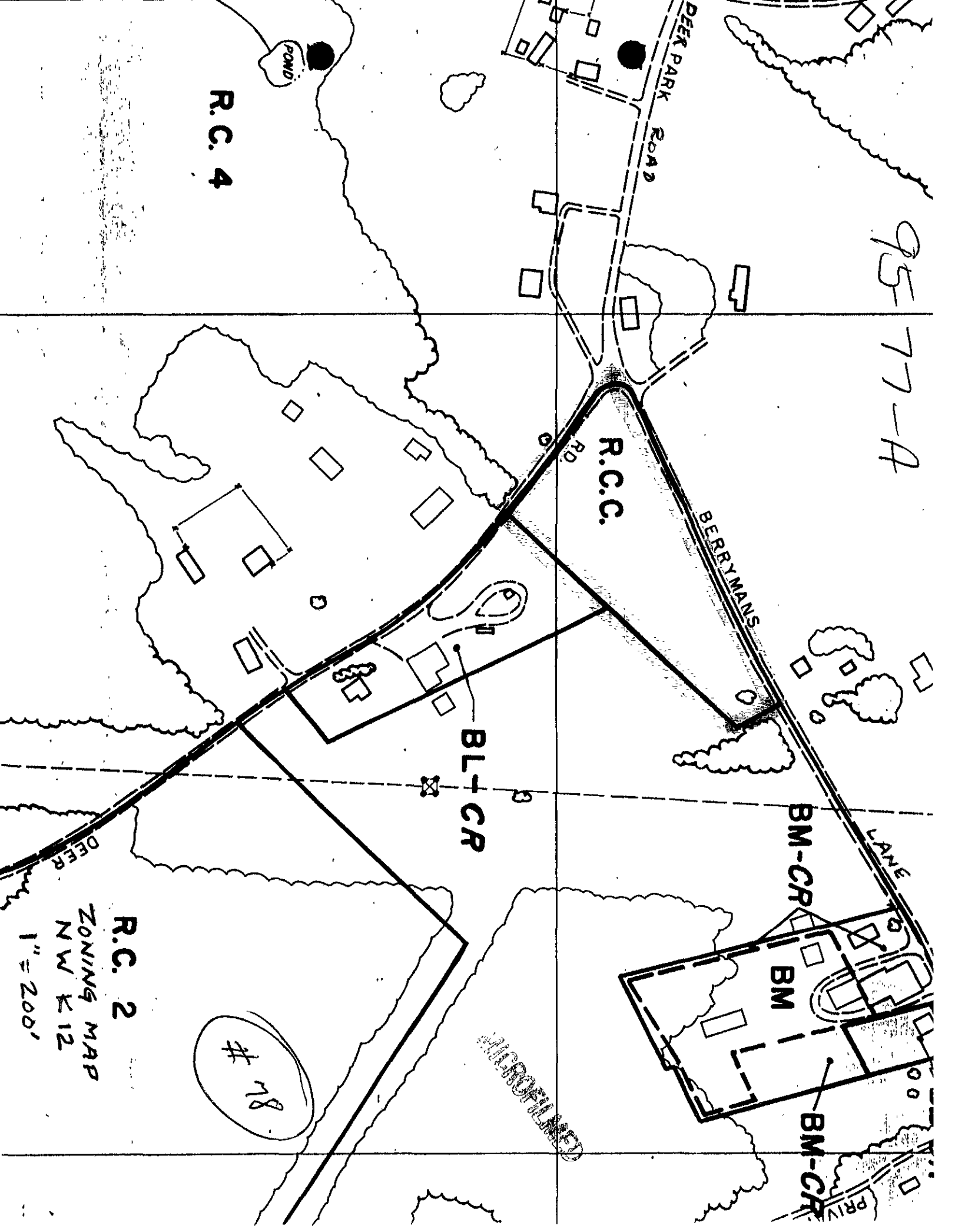
R.C. 2

ZONING MAP
NW K 12

1" = 200'

18

MICROFILMED



IN RE: PETITION FOR VARIANCE
NE/Corner Berrymans Lane and
Deer Park Road
(1141 Berrymans Lane)
4th Election District
3rd Councilmanic District
Joel M. Simonds, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-77-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1141 Berrymans Lane, located in the Reisterstown area of northwestern Baltimore County. The Petition was filed by the owners of the property, Joel M. and Xandra L. Simonds. The Petitioners seek relief from Sections 1A06.2.C.4 and 409.8.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit parking to be located in the front yard in lieu of the required rear yard and crusher run parking surface in lieu of the required durable-dustless surface. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petition were Joel and Xandra Simonds, property owners, and Lloyd Reynolds. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 2.8163 acres, zoned R.C.C., and is located at the intersection of Berrymans Lane and Deer Park Road. The Petitioners are desirous of utilizing the subject site as a nursery and propose constructing a one-story nursery/retail building with associated parking. Testimony indicated that due to the locations of the required septic field and the entrance to the site from Berrymans Lane, the proposed building

and associated parking had to be situated on the property in the locations shown on Petitioner's Exhibit 1. As a result, the requested variances are necessary in order to proceed as proposed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the pub-

lic health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of October, 1994 that the Petition for Variance seeking relief from Sections 1A06.2.C.4 and 409.8.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit parking to be located in the front yard in lieu of the required rear yard and crusher run parking surface in lieu of the required durable-dustless surface, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any occupancy permits, the Petitioners shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County and comply with any planting requirements which may be imposed.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
4000 Washington Avenue
Towson, MD 21204

October 13, 1994

(410) 887-4386

Mr. & Mrs. Joel M. Simonds
616 Church Road
Reisterstown, Maryland 21136

RE: PETITION FOR VARIANCE
NE/Corner Berrymans Lane and Deer Park Road
(1141 Berrymans Lane)
4th Election District - 3rd Councilmanic District
Joel M. Simonds, et ux - Petitioners
Case No. 95-77-A

Dear Mr. & Mrs. Simonds:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management Office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Lloyd W. Reynolds
12800 Gores Mill Road, Reisterstown, Md. 21136

People's Counsel

File

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 1141 Berrymans Lane
Reisterstown 4th Elec Dist.
which is presently zoned R.C.C.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A06.2.C.4, 409.8.A

To allow parking to be located in the front yard and crusher run parking surface in lieu of the required side and rear yard and durable-dustless surface, respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

(SEE ENCLOSED PAGE)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lender

(Type or Print Name) N/A

Signature

Address

City State Zip Code

Attorney for Petitioner

(Type or Print Name) N/A

Signature

Address

City State Zip Code

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s)

(Type or Print Name) JOEL M. SIMONDS

Signature

(Type or Print Name) XANDRA L. SIMONDS

Signature

Address

City State Zip Code

Name Address and phone number of representative to be contacted

Name

Address

City State Zip Code

Signature

Date

Reviewed By

Date

Petition for Variance
Simonds Property
1141 Berrymans Lane
Reisterstown, Md 21136

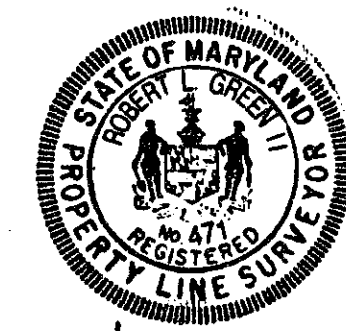
REASONS FOR VARIANCE:

1. The shape, configuration, topography and underlying soil conditions of the lot combined with the intended use make it highly impractical to locate the required parking entirely to the side and/or rear of the building:
 - a. The only portion of the lot that will perc is that portion where the septic reserve is located. Therefore to maintain gravity flow to the septic area the building can not be located further to the right (west) than it is. To move the building further to the left (east) than it is would force the building further into the narrowest part of the lot thereby constricting the business, minimizing the ability to adequately landscape and screen; and greatly reducing the prime visual impact it will make as now sited.
 - b. The entrance cannot be located anywhere else, because of sight distance restrictions and close proximity to the intersection of Berrymans Lane and Deer Park Road. The entrance is now proposed at a slight crest in Berrymans Lane affording a very safe and sensible point of ingress and egress.
 - c. Combining the logic of (a) and (b) above, the location of the entrance must be directly in front of the building which then forces the location of the building toward the rear portion of the lot.
 - d. There is not adequate space on the left side of building to provide for all the required parking there, thereby necessitating some be provided for on the right. The area immediately to the right of the building is the outside sales area. It must be there for business operational and security considerations. The only area remaining for parking is as shown unless considerably more of the lot be disturbed.
 - e. The owners of the property have lived in the area over 50 years, in the neighborhood for 28 years, own the farm opposite the site; and know and love the area. Parking as proposed at this site is in character with the neighborhood (both business and residences) and will not effect other R.C.C. zoned properties nearby since there are none.

ZONING DESCRIPTION

Beginning at a point at the intersection of the centerline of Berryman's Lane, which is a proposed future seventy feet wide right-of-way, and the centerline of Deer Park Road, which is also a proposed future seventy feet wide right-of-way. Thence the following courses and distances:

by a curve to the left with a radius of 293.82 ft., an arc length of 132.53 ft., and a chord of N. 81°00'27" E. 131.41 ft.; thence N. 68°05'10" E. 171.27 ft.; thence by a curve to the left with a radius of 5729.58 ft., an arc length of 333.06 ft., and a chord of N. 66°25'15" E. 333.01 ft.; thence N. 64°45'20" E. 49.61 ft., N. 63°57'47" E. 89.50 ft., S. 26°02'13" E. 85.00 ft., S. 44°49'43" W. 567.02 ft., N. 53°24'40" W. 315.00 ft., and N. 82°29'40" W. 105.26 ft. to the place of beginning. Being "Tract A" as shown on a site development plan entitled "Simonds Property" as recorded in the Baltimore County Greenway Book SM 1/20, containing 2.8163 acres. Also known as 1141 Berryman's Lane and located in the 4th Election District.



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 4th Date of Posting 9/27/94
Posted for: Variance
Petitioner: Joel & Xandra Simonds
Location of property: 1141 Berrymans Lane, N/A Deer Park Rd
Location of Signs: Facing road away from property on 2 sides
Remarks: _____
Posted by: William Date of return: 9/27/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/15/94

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/15/94

THE JEFFERSONIAN,

A. H. Harris

NOTICE: The Zoning Department of Baltimore County will hold a public hearing on the property located in the Room 100 of the County Office Building, located at 115 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Date: October 4, 1994
Time: 10:00 a.m. to 1:00 p.m.
Petitioner: Joel M. Simonds and Xandra L. Simonds
Address: 1141 Berrymans Lane, Reisterstown, MD 21136
Case No.: 95-77-A
Subject: Variance to allow parking to be located in the front yard and crusher run parking surface in lieu of the required side and rear yard and durable-dustless surface, respectively.
Lawrence E. Schmitt, Zoning Commissioner for Baltimore County
NOTES: If hearings are held, proper notice will be given by mail. If no hearing is held, the Zoning Department will proceed with the case. If you have any questions, please call 887-3391.
Date: September 16, 1994

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

receipt
95-77-A
Account: R 001-6150
Item Number 78

Date: 8-24-94
Owner: Joel M. Simonds
At: 1141 Berrymans Lane

020 Commercial Variance Filing Fee 250.00
080 Sign & Posting 35.00
Total \$285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 78
Petitioner: Same
Location:
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Joel M. Simonds
ADDRESS: 616 Church Rd.
Reisterstown, Md. 21136
PHONE NUMBER: 833-6821

AJ:ggg (Revised 04/09/93)

TO: FUTURE PUBLISHING COMPANY
September 8, 1994 Issue - Jeffersonian
81
Please forward billing to:
Joel M. Simonds
616 Church Road
Reisterstown, Maryland 21136
833-6821

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-77-A (Item 78)
1141 Berrymans Lane
NEC Berrymans Lane and Deer Park Road
4th Election District - 3rd Councilmanic
Petitioner(s): Joel M. Simonds and Kandra L. Simonds
HEARING: MONDAY, OCTOBER 3, 1994 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to allow parking to be located in the front yard and crusher run parking surface in lieu of the required side and rear yard and durable-dustless surface, respectively.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

COPY

September 8, 1994

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-77-A (Item 78)
1141 Berrymans Lane
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Petitioner(s): Joel M. Simonds and Kandra L. Simonds
HEARING: MONDAY, OCTOBER 3, 1994 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to allow parking to be located in the front yard and crusher run parking surface in lieu of the required side and rear yard and durable-dustless surface, respectively.

Carl Jablon
ARNOLD JABLON
Director

cc: Joel and Kandra Simonds

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

8/24/94
Joel and Kandra Simonds
616 Church Road
Reisterstown, Maryland 21136

RE: Item No. 78, Case No. 95-77-A
Petitioner: Joel and Kandra Simonds

Dear Mr. & Mrs. Simonds:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 24, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby assumed zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture of the filing fee.

Very truly yours,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:ggg
Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM
FROM: DEPRM Development Coordination
SUBJECT: Zoning Advisory Committee Agenda: Sept 6

DATE: Sept. 15, 1994

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 73
74
75
76
78
79
80
81

LS:sp
LETTY2/DEPRM/TXTSBBP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 12, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting for September 12, 1994
Item No. 78

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the previous Landscape Manual review comments.

RWB:aw

RECEIVED
SEP 12 1994
ZADM

Baltimore County Government
Fire Department
700 East Joppa Road Suite 901
Towson, MD 21286-5500
(410) 887-4500

9/15/94
90 JAW
S

DATE: 09/01/94

Arnold Jablon
Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owners SEE BELOW
LOCATION: SEE BELOW
Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 75 AND 78.

RECEIVED
SEP 2 1994
ZADM

REVIEWER: LT. ROBERT P. SWEENEY
Fire Marshal Office, PHONE 687-4061, MS-1102F

cc: File
Printed on Recycled Paper

INTER-OFFICE CORRESPONDENCE

INFORMATION:

SUMMARY OF RECOMMENDATIONS

- Architectural elevations for the proposed building should be submitted to the Director of the Office of Planning and Zoning for approval prior to the issuance of any building permits.
- A landscape plan should be submitted for approval prior to final consideration of this matter.

Division Chief: Caryl L. Lewis

JL
ZAC.78/PZONE/ZAC1



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Re: Baltimore County
Item No.: +78 (JJS)

Dear Ms. Winiarski

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.
Thank you for the opportunity to review this item.

Very truly yours

for *Bob Small*
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS.

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE * BEFORE THE
1141 Berrymans Lane, NEC Berrymans *
Lane and Deer Park Road, 4th * ZONING COMMISSIONER
Election Dist., 3rd Councilmanic *
Joel M. and Xandra L. Simonds * OF BALTIMORE COUNTY
Petitioners * CASE NO. 95-77-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmermann

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to Joel M. and Xandra L. Simonds, 616 Church Road, Reisterstown, MD 21136, Petitioners.

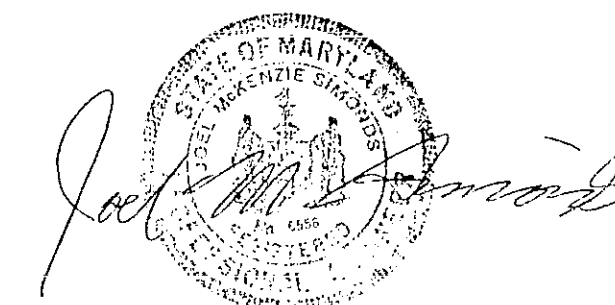
Peter Max Zimmermann

PETER MAX ZIMMERMAN

Simonds Property
1141 Berrymans Lane
Reisterstown, Md. 21136
Aug. 22, 1994

I hereby certify that I personally dug test pits on the subject property on October 13, 1989 and recorded the data shown on the attached map. Our chain of title for the subject property was # 843 Skid Load, Model # B11 Backhoe mounted on a Bobcat Model # 330. The test pits were dug in the driveway area of the subject property. The test pits were dug at bedrock (not boulders). The test pits are absolute rock. The test pits are located at the edge of the pavement at the intersection of Berryman Lane and Reed Road. It is further noted that on our property on the north side of Reed Road, it is further noted that on the south side of Berryman Lane directly below the surface of the driveway.

Joel M. Simonds, owner



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME _____

ADDRESS _____

<u>Kendra L Simmonds</u>	<u>616 Church Rd</u>
<u>Teel M Simmonds</u>	<u>Reisterstown, MD 21136</u>
<u>Block W Teywells</u>	<u>"</u>
	<u>15800 GOWES MILL ROAD 21133</u>

95-77-A

DEER PARK ROAD

BERRYMAN'S RD

R.C. 4

R.C. 2

B.L.-CR

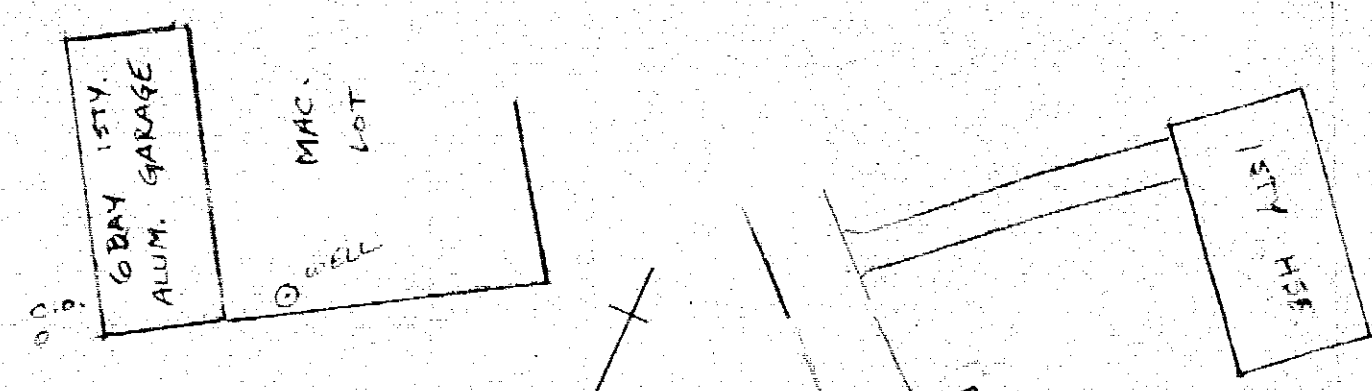
B.M.-CR

B.M.

POND

78

R.C. 2 ZONING MAP
NW 1/4, R. 12, T. 12N, R. 12W
1" = 200'



8" x 8" 604
Timbers -
Rounded as
Shown!

SIMONDS
NURSERY Inc.

**PETITIONER'S
EXHIBIT**

1 R = 1095.00' L = 157.49
CHD = N56°54'06"W L = 197.19

2 R = 415.00' L = 163.01
CHD = N53°38'27"E L = 160.00'

3 R = 283.52' L = 132.53
CHD S81°00'27"W L = 181.41'

4 R = 5729.58' L = 336.05'
CHD = S66°25'15"W L = 333.01'

Total Parcel Area = 2.9153 Ac.
Highway widening Area = 0.9098 Ac.
Remaining Lot Area = 1.9055 Ac.
 or 83,047 S.F.

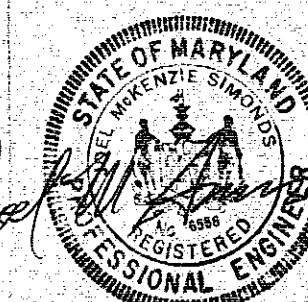
10. Gross Floor Area Ratio to Gross Site Area:

2400 SF	
<u>24163 ACRES or 122,678 SF</u>	= 0.1626

RETAIL: 4100 SF. X .005 = 20.5
OFFICE: 640 SF. X .0035 = 2.24
TOTAL PARKING REQD. = 22.74

23 PARKING SPACES PROVIDED
TYPICAL SPACE SIZE 9.6 X 18
PAVING TYPE: STONE

OTHER LANDS OF
JOEL M. & XANDRA L. SIMONDS



JOEL M. AND KANDRA L. SIMONDS
616 CHURCH ROAD
REISTERSTOWN, MD. 21136
DEED REF. LIBER 8096 FOLIO 403
TAX ACCOUNT NO. 04-05-055200
PROPERTY IS IDENTIFIED AS
TRACT 'A' ON MINOR SUBDIVISION
PLAN APPROVAL & DIV. 2 WAIVED
11/12/91 PROPERTY OF JOEL M. &
KANDRA L. SIMONDS

DRC NO. 12063E 4C3

SCALE 125